

REMARKS

In the Office Action dated May 12, 2010: Claims 1, 3-5, 7-10, 13-18, 20 and 45-49 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-33 of U.S. Patent No. 7,149,549 B1; Claims 1, 8, 20 and 45 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 8 and 15-16 of copending U.S. Patent Application No. 12/210,971; and Claims 1, 8, 20 and 45 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-33 of copending U.S. Patent Application No. 12/259,189. Examiner states that a timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.32(d) may be used to overcome the actual or provisional rejections based on nonstatutory double patenting grounds. Examiner also indicates that withdrawn claims 35-36 should be cancelled in order to expedite prosecution of the case, and that proposed amendment to claim 45 (unofficial) filed 4/23/2010 must be formally filed to place the case in condition for allowance.

Applicants herein submit claim 45 amended as proposed on 4/23/2010 and cancel claims 35-36. Claim 4 was amended so the transitional phrase ("the steps of") is consistent with claim 1. Also, Terminal disclaimers to overcome the nonstatutory obviousness-type double patenting are also being submitted together with this paper. Applicants believe their case is now in condition for allowance and respectfully request reconsideration and early issuance of their application and claims.

Respectfully submitted,

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